

1 ROBIN WINCHESTER
2 SCHIFFRIN BARROWAY
3 TOPAZ & KESSLER LLP
4 280 King of Prussia Road
5 Radnor, PA 19087
6 Telephone: (610) 667-7706
7 Facsimile: (610) 667-7056
8 E-mail address: rwinchester@sbtclaw.com
9 *Lead Counsel for Lead Plaintiffs*

10 TRAVIS E. DOWNS III (148274)
11 LERACH COUGHLIN STOIA GELLER
12 RUDMAN & ROBBINS LLP
13 655 West Broadway, Suite 1900
14 San Diego, CA 92101-3301
15 Telephone: (619) 231-1058
16 Facsimile: (619) 231-7423
17 E-mail address: travisd@lerachlaw.com
18 *Lead Counsel for Lead Plaintiffs*

19 ARTHUR J. BURKE (229589)
20 RAJAT SONI (242644)
21 DAVIS POLK & WARDWELL
22 1600 El Camino Real
23 Menlo Park, CA 94025
24 Telephone: (650) 752-2005
25 Facsimile: (650) 752-3605
26 E-mail address: arthur.burke@dpw.com
27 *Counsel for Defendants*

28
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

20) Case No.: C06-5353-JW
21 In Re Affymetrix)
22 Derivative Litigation) **STIPULATION, AND [PROPOSED]**
23) **ORDER EXTENDING BRIEFING**
24) **SCHEDULE**

23 This Document Relates To:
24 ALL ACTIONS

STIPULATION

Whereas, there is presently a consolidated shareholder derivative action against certain of the present and former officers and directors of Affymetrix, Inc. ("Affymetrix") on file in this Court which is styled as *In re Affymetrix Derivative Litigation*, Case No. C 06 5353 JW;

Whereas, on April 24, 2007, this Court entered an Order Setting a New Briefing Schedule for Motions to Dismiss which required Plaintiffs' opposition to any motions to dismiss the Amended Consolidated Complaint to be filed by no later than July 9, 2007 and Defendants reply in support of any motion to dismiss the Amended Complaint to be filed by no later than July 30, 2007;

Whereas Plaintiffs have requested a two week extension for the filing of their opposition brief and Defendants have agreed to such extension.

IT IS HEREBY STIPULATED by and between the undersigned and so ordered by the Court as follows:

Lead Plaintiffs' opposition to any motions to dismiss the Amended Consolidated Complaint shall be filed no later than July 23, 2007.

Any reply in support of any motion to dismiss the Amended Consolidated Complaint shall be filed no later than August 13, 2007.

Dated: July 10, 2007

SCHIFFRIN BARROWAY
TOPAZ & KESSLER LLP

By: /s/ Robin Winchester

Robin Winchester
280 King of Prussia Road
Radnor, PA 19087
Telephone: (610) 667-7706
Facsimile: (610) 667-7056
E-mail address: rwinchester@sbtclaw.com
Lead Counsel for Lead Plaintiffs

1 Dated: July 10, 2007

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP

3 By: /s Travis Downs

4 Travis E. Downs III (148274)
5 655 West Broadway, Suite 1900
6 San Diego, CA 92101-3301
7 Telephone: (619) 231-1058
8 Facsimile: (619) 231-7423
9 E-mail address: travisd@lerachlaw.com
Lead Counsel for Lead Plaintiffs

8 ----and----

10 Dated: July 10, 2007

DAVIS POLK & WARDWELL

11 By: /s Arthur J. Burke

12 Arthur J. Burke (229589)
13 Rajat Soni (242644)
14 1600 El Camino Real
15 Menlo Park, California 94025
16 Telephone: (650) 752-2005
17 Facsimile: (650) 752-3605
18 Counsel for Defendants

16 Dated: July 10, 2007

AFFYMETRIX LITIGATION UNIT

18 By: /s Peter E. Root

19 Peter E. Root (142348)
20 6550 Vallejo Street, Suite 100
21 Emeryville, California 94608
22 Telephone: (510) 428-8517
23 Facsimile: (510) 428-8583
24 E-mail address: peter_root@affymetrix.com
25 Counsel for Individual Defendants

22 * * *

23 **ORDER**

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 DATED: July 11 2007

26 
27 JUDGE JAMES WARE
28